

Message Text

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PAGE 01 STATE 051818
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TO AMCONSUL MONTREAL
INFO AMEMBASSY OTTAWA

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E.O. 11652:N/A

TAGS: AORG, ICAO

SUBJECT: STATUS OF IMPLEMENTATION OF ICAO HEADQUARTERS
AGREEMENT

REFERENCE: (A) C-WP/6674; (B) GORDON/HARTLEY JAN. 30 LETTER

1. WE UNDERSTAND THAT QUESTION OF PRIVILEGES AND IMMUNITIES
UNDER ICAO HEADQUARTERS AGREEMENT WILL BE DISCUSSED BY
COUNCIL ON MARCH 1.

2. WE BELIEVE US REP SHOULD RECOMMEND THAT LANGUAGE BE
ADDED TO AGREEMENT THAT WOULD CLARIFY STATUS OF PERSONS
ASSIGNED TO RESIDENT MISSIONS TO ICAO WHO ARE LOWER IN RANK
THAN REPRESENTATIVES AND THEIR ALTERNATES. SECTION 12 OF
AGREEMENT DESCRIBES PRIVILEGES AND IMMUNITIES OF "REPRESENT-
ATIVES OF MEMBERS" (MEMBER STATES) BUT NEITHER THIS NOR ANY
OTHER ARTICLE CITES PRIVILEGES AND IMMUNITIES OF OTHER
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NON-CANADIAN PERSONNEL ASSIGNED TO NATIONAL MISSIONS.

3. UNDER INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT (PUBLIC
LAW 291 - 79TH CONGRESS), MEMBERS OF MISSIONS TO UN ARE
ACCORDED IMMUNITY FROM SUIT AND LEGAL PROCESS RELATING TO
OFFICIAL ACTS; FREE ENTRY OF BAGGAGE AND EFFECTS WHEN
IMPORTED IN CONNECTION WITH ARRIVAL OF OWNER; AND IMMUNITY

FROM APPLICATION OF INTERNAL REVENUE CODE. PERHAPS
SECRETARIAT COULD PROPOSE AN AMENDMENT TO PRESENT
HEADQUARTERS AGREEMENT, FOR SUBSEQUENT COUNCIL AND
ASSEMBLY APPROVAL, WHICH WOULD INCORPORATE SIMILAR
PRIVILEGES AND IMMUNITIES FOR ALL NON-CANADIAN PERSONNEL
OFFICIALLY ASSIGNED TO RESIDENT MISSIONS IN MONTREAL. VANCE

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